1 2 3	Guy D. Knoller - #002803 Law Offices of Guy David Knoller, P.L.L.C 18221 N. 42nd Street Phoenix, Arizona 85032 (602) 799-2346		
4	E-Mail: guydknoller@gmail.com		
5	Attorney for Plaintiff		
6	IN THE UNITED STAT	ES DISTRICT COURT	
7	FOR THE DISTRI	CT OF ARIZONA	
8	ADRAN MORGA MARICHE a/k/a NICHOLAS VLISIDES	No.	
10	Plaintiff,	COMPLAINT	
11	VS.	(Non-Payment of Overtime and Non- Payment of Wages)	
12	PHOENIX OIL, LLC; WILLIAM J. DONOVAN, III; KRISTEN B.		
13	DONOVAN, III, KRISTEN B. DONOVAN; JAMES J. GAFFNEY,		
14	Defendants.		
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17	GENERAL AI	LEGATIONS	
18	1. Jurisdiction is based upon the	Fair Labor Standards Act, 29 U.S.C. §216.	
19	_		
20	2. Plaintiff is a resident of Marico	opa County, Arizona.	
21	3. Defendant Phoenix Oil, LLC i	s a limited liability company doing business	
22	in Maricopa County, Arizona.		
23	4. The individually named Defer	ndants reside in Maricopa County, Arizona	
24 25	and caused events to occur in Maricopa C action arose.	ounty, Arizona out of which this cause of	
26	action those.		

- 5. The individual Defendants are personally liable as "employers" within the meaning of 29 U.S.C. §203.
- 6. The events giving rise to these causes of action occurred within approximately the last three years and in Maricopa County, Arizona.
  - 7. Venue is proper in the United States District Court in Phoenix, Arizona.

## FIRST CLAIM FOR RELIEF

- 1. Plaintiff incorporates by reference herein the preceding allegations.
- 2. Plaintiff worked for Defendant within the last three years.
- 3. Within the last three years, Plaintiff has not been paid at the statutorily required rate of 1-1/2 times his normal rate of pay for all hours worked in excess of 40 hours in one week.
- 4. Plaintiff is entitled to double the amount due under the Fair Labor Standards Act, 29 U.S.C. §216(b) because Defendants' conduct was willful.
- 5. Plaintiff is entitled to reasonable attorneys' fees and costs pursuant to the Fair Labor Standards Act, 29 U.S.C. §216(b), and A.R.S. §12-341.01.
- 6. Plaintiff is also entitled to three times the amount of the unpaid wages pursuant to A.R.S. §23-355 (for one year prior to the filing of this Complaint).

## SECOND CLAIM FOR RELIEF

- 1. All preceding allegations of the Complaint are incorporated by reference herein.
  - 2. During Plaintiff's employment, he was not paid for certain hours worked.
- 3. Plaintiff was supposed to be paid for all of his hours worked, but Defendants have failed and refused to pay Plaintiff all wages due him.

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1	4.	Plaintiff is entitled to three times the amount due him as unpaid wages
2	under A.R.S	. §23-355 (for one year preceding the filing of this Complaint).
3	WHE	REFORE Plaintiff requests judgment against Defendants as follows:
4		
5	1.	For damages in an amount to be determined at trial for his overtime pay,
6	with interest	thereon at the legal rate from the date of delinquency until paid;
7	2.	For double the amount of the overtime which was not paid as provided by
8	the Fair Lab	or Standards Act;
9	3.	For three times the amount of the unpaid overtime as provided by the
10	treble dama	ge statute, A.R.S. §23-355;
11		
12	4.	For unpaid wages with interest thereon from the date of delinquency until
13	paid at the le	egal rate per annum for all commissions not paid;
14	5.	For three times the amount of the unpaid wages pursuant to A.R.S. §23-
15	355;	
16	6.	For attorneys' fees and costs pursuant to the Fair Labor Standards Act and
17		
18	A.R.S. §12-3	341.01; and,
19	7.	For such further relief as this Court deems appropriate.
20	DAT	ED this 14th day of March, 2013.
21		/s/ Guy D. Knoller
22		Guy D. Knoller
23		Law Offices of Guy David Knoller,
24		P.L.L.C. Attorney for Plaintiff
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1	ORIGINAL of the foregoing filed this 14th day of March, 2013,
2	with:
3   4	Clerk of the Court United States District Court
5	/s/ Debbie A. Wallen
6	Debbie A. Wallen
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